

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

Case No.:10-80252-CV-KLR

SUZANNE STONE MARSHALL, ADELE FOX,  
MARSHA PESHKIN, and RUSSELL OASIS,  
individually and on behalf of a class of similarly situated  
Plaintiffs,

vs.

**NOTICE OF APPEAL**

CAPITAL GROWTH COMPANY;  
DECISIONS, INC.;  
FAVORITE FUNDS;  
JA PRIMARY LIMITED PARTNERSHIP;  
JA SPECIAL LIMITED PARTNERSHIP;  
JAB PARTNERSHIP;  
JEMW PARTNERSHIP;  
JF PARTNERSHIP;  
JFM INVESTMENT COMPANIES;  
JLN PARTNERSHIP;  
JMP LIMITED PARTNERSHIP;  
JEFFRY M. PICOWER SPECIAL COMPANY;  
JEFFRY M. PICOWER, P.C.;  
THE PICOWER FOUNDATION;  
THE PICOWER INSTITUTE OF MEDICAL  
RESEARCH;  
THE TRUST F/B/O GABRIELLE H. PICOWER;  
BARBARA PICOWER, individually, and as Executor of  
the Estate of Jeffry M. Picower, and as Trustee for the  
Picower Foundation and for the Trust f/b/o Gabriel H.  
Picower.

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PLEASE TAKE NOTICE that Plaintiffs, SUZANNE STONE MARSHALL, ADELE  
FOX, MARSHA PESHKIN, and RUSSELL OASIS, individually and on behalf of a class of  
similarly situated Plaintiffs, hereby appeal to the United States Court of Appeals for the  
Eleventh Circuit the March 14, 2014 Order (entered on March 17, 2014) denying Plaintiffs'  
cross-motion for a preliminary injunction and for an emergency hearing on the motion for a

preliminary injunction. (DE 58). A true and correct copy of the Order is annexed hereto as Exhibit "A".

DATED this 24th day of March 2014.

Respectfully submitted,

**BECKER & POLIAKOFF, P.A.**

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*Attorneys for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24th day of March 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Allen M. Levine

Allen M. Levine

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# EXHIBIT A

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 10-80252-CIV-RYSKAMP/HOPKINS

SUZANNE STONE MARSHALL, ADELE FOX,  
MARSHA PESHKIN, and RUSSELL OASIS,  
individually and on behalf of a class of similarly situated

Plaintiffs,

v.

CAPITAL GROWTH COMPANY;  
DECISIONS, INC.;  
FAVORITE FUNDS;  
JA PRIMARY LIMITED PARTNERSHIP;  
JA SPECIAL LIMITED PARTNERSHIP;  
JAB PARTNERSHIP;  
JEMW PARTNERSHIP;  
JF PARTNERSHIP;  
JFM INVESTMENT COMPANIES;  
JLN PARTNERSHIP;  
JMP LIMITED PARTNERSHIP;  
JEFFRY M. PICOWER SPECIAL COMPANY;  
JEFFRY M. PICOWER, P.C.;  
THE PICOWER FOUNDATION;  
THE PICOWER INSTITUTE OF MEDICAL  
RESEARCH;  
THE TRUST F/B/O GABRIELLE H. PICOWER;  
BARBARA PICOWER, individually, and as Executor of  
the Estate of Jeffry M. Picower, and as Trustee for the  
Picower Foundation and for the Trust f/b/o Gabriel H.  
Picower.

Defendants.

**ORDER DENYING MOTION FOR EMERGENCY HEARING AND MOTION FOR  
LIMITED RELIEF FROM STAY**

THIS CAUSE comes before the Court pursuant to Becker & Poliakoff LLP and Becker &  
Poliakoff P.A., as counsel for Plaintiffs, March 12, 2014 **[DE 52]** motion requesting that this

Court lift the stay entered February 21, 2014 for the purpose of scheduling an emergency hearing on Defendants' motion to stay and on Plaintiffs' cross motion for injunctive relief.

On March 11, 2014, Bankruptcy Trustee Irving Picard filed an Amended Complaint against several parties, including the Plaintiffs, in the Bankruptcy Court for the Southern District of New York. *See Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities, LLC*, Case No. 08-01789, DE 5807. Picard seeks an order enjoining Plaintiffs from proceeding in this Court on the ground that their claims are duplicative and derivative of the Trustee's settled action against the Picower defendants. It is hereby

ORDERED AND ADJUDGED that the motion is DENIED. The Court declines to conduct an emergency hearing on the question of whether to enjoin the New York action. Rather, this Court defers to the Bankruptcy Court for the Southern District of New York for a ruling on Picard's motion to enjoin the instant action.

DONE AND ORDERED at Chambers in West Palm Beach, Florida, this 14th day of March, 2014.

S/Kenneth L. Ryskamp  
KENNETH L. RYSKAMP  
UNITED STATES DISTRICT JUDGE